

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----) DOCKET NO. 2009-0108
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Proposed Amendments to)
the Framework for Integrated)
Resource Planning)
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PUBLIC UTILITIES
COMMISSION

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THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S
RESPONSES TO THE PARTIES' INFORMATION REQUESTS

AND

CERTIFICATE OF SERVICE

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**THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S
RESPONSES TO THE PARTIES' INFORMATION REQUESTS**

The Department of Business, Economic Development, and Tourism ("Department" or "DBEDT"), by and through its Director ("Director") in his capacity as the Energy Resources Coordinator, through the undersigned Deputy Attorney General, hereby submits to the Hawaii Public Utilities Commission ("Commission" or "PUC") its responses to the Parties' November 10, 2009 information requests (IRs) on DBEDT's preliminary statement of position filed on October 2, 2009.

The DBEDT responses to the Parties' information requests provided below were prepared and sponsored by Ms. Estrella A. Seese, Manager, Energy Planning and Policy Branch, Hawaii State Energy Office/Strategic Industries Division, DBEDT.

DBEDT's RESPONSES TO THE HECO COMPANIES' INFORMATION REQUESTS

HECO/DBEDT-IR-1

Ref Proposed Changes to the IRP Framework. Item 3

On page 11, DBEDT states that the "framework must include clear provisions or principles on requirements or expectations of utility compliance to the framework, as well as consequences of, and procedures for, deviations from the framework in whole or in part." Please elaborate on what DBEDT is expecting as requirements, consequences, and deviations by providing examples.

DBEDT Response:

The referenced item in DBEDT's Preliminary Statement of Position ("PSOP") is DBEDT's proposal in response to Section III.D.5 of HECO's proposed CESP Framework as provided in Attachment A of HECO's PSOP, page 12 of 22, which provides that

"The utility may, at any time, request a waiver from the Commission from any or all of the provisions of the CESP Framework. A utility seeking such a waiver shall have the burden of showing, to the Commission's satisfaction, that compliance with the CESP Framework, or any of its provision, is impossible, impractical, inappropriate or economically impossible."

HECO's proposal is so broadly stated and it does not define what and how to determine what is "impractical, inappropriate, or economically impossible." As stated, it could mean (although an extreme case) that the utility can request a waiver to not

develop long-term plans under the CESP framework at all based on its determination that it is *"impossible, impractical, inappropriate or economically impossible."* This HECO proposal could also allow the utility to pick and choose which parts or provisions of the framework it will adopt or not adopt via a waiver. It could also mean that a utility may file a waiver for not implementing a PUC-approved Action Plan developed under the framework based on the utility's determination that it is *"impossible, impractical, inappropriate or economically impossible."* The DBEDT proposal is to ensure that the framework provides explicit provisions on requirements for compliance as well as for non-compliance with the framework.

An example of a requirement for utility compliance to the framework, as well as for procedures or consequences for non-compliance, is for the framework to include provision(s) that the utility resource planning must be consistent with, and ensure the achievement of, the overall objectives of the CESP Framework as well as the utility planning objectives established in the framework. A proposed "CESP Action Plan" by a utility should show how the plan is compliant or consistent with this provision. Non-compliance or inconsistency with this requirement could mean that the PUC may not approve the proposed "Action Plan", which could impact any utility application for capital expenditures if the framework continues to require that

a PUC-approved resource plan shall govern utility expenditures for capital projects.

HECO/DBEDT-IR-2

Ref: Proposed Changes to the IRP Framework. Item 4

On pages 11 to 12, DBEDT states that "The framework should establish and set the objectives of the utilities' resource planning and resource plans, and specify the means for measuring the effectiveness of the plans in achieving the stated objectives." Please elaborate on how DBEDT is envisioning the effectiveness of the plans would be measured.

DBEDT Response:

DBEDT's proposal relating to provisions on measuring the effectiveness of the plans is to retain and incorporate Section III.D of the 1992 IRP Framework into the CESP framework that may be established and approved by the Commission in this docket.

HECO/DBEDT-IR-3

Ref: Proposed Changes to the IRP Framework. Item 9

On page 13, DBEDT proposes that the new resource planning framework be "more open and transparent, and must include provisions to encourage and accommodate actual public participation and public input in the resource planning process....Given the utility resource plans' broad policy implications and the impact on the State energy goals, the new resource planning framework must ensure a collaborative planning process."

- a) Please elaborate on how the process can be "more open and transparent".
- b) Please explain what "actual public participation" is and how the planning process is to "accommodate" it.
- c) Please elaborate on what is expected to be the result of a "collaborative planning process". Is DBEDT expecting the entire Advisory Committee and public to reach consensus on the "broad policy implications and the impact on the State energy goals"?

DBEDT Response:

- a) The 1992 IRP Framework provides opportunities for participation through advisory groups to the utility, public hearing and interventions in formal proceedings before the commission on a utility's integrated resource plan. The 1992 Framework requires the utility to organize advisory groups which the utility shall chair; provides a general guidance as to the public and private entities includable in such advisory groups; provides that the utility consider the input of the advisory groups but the utility is not bound to follow the advice of any advisory group; and requires the utility to provide all data reasonably necessary for the advisory group to participate in the IRP planning process.

Furthermore, under the current IRP Framework the utility is "encouraged to conduct public hearings or provide public forums at various, discrete phases of the planning process for the purpose of securing the input of the members of the public who are not represented by entities constituting advisory groups." HECO's proposed CESP Framework basically adopts the public participation provisions under the current IRP Framework.

DBEDT has been a participant in the HECO Companies' IRP advisory group meetings, and observes that the process was neither collaborative, transparent, nor open. Generally, these meetings were open to the "invite list" only (no substitution of attendees); followed a one-way communication format (utility presenting to the group); presentation materials were generally not provided to the groups before the meetings and therefore constrained the advisory group's ability to substantively and effectively participate and contribute to the discussion, if any; and there were no follow-up communications after the meetings to inform the group as to whether or not the utility considered or incorporated suggestions and/or comments raised during the meetings, if any. DBEDT also observes that the utilities are generally not open to sharing and providing the data behind the charts that were presented

during these meetings. The information shared was limited to what was included in the power point presentations, and the supporting analysis or data used were generally not made available to the advisory groups.

As noted in DBEDT's PSOP, given the broad and important implications of the utility's resource plan to meet Hawaii's energy needs, it is imperative that the planning framework ensures that the planning process is transparent and open. DBEDT's preliminary recommendations to ensure a transparent and open process include but are not limited to the following:

- 1) The framework must require the formation of working groups, rather than advisory groups.
- 2) The working groups must be co-chaired by the utility and by a non-utility member entity.
- 3) The framework must provide guidance as to the entities includable in such working groups, similar to Section III.E.1.b of the current IRP Framework. The framework should also include general guidance on the working groups' members' qualifications to ensure that the working groups members have the technical skills, expertise, and understanding of the local energy market, utility, policies, and regulatory environment to effectively and

substantively contribute to and participate in the planning process.

- 4) The framework must specify the roles of the working groups. Such roles may include co-chairing the working groups, working with the utilities in developing the scenarios and planning assumptions, compiling data, reviewing CESP-related reports filed with the PUC as may be required under the framework, participating and helping the utilities in conducting CESP-related public meetings or workshops.
- 5) The framework must provide general guidance on the effective size of the working groups' membership. It cannot be so small as to exclude other qualified entities that may be able to contribute substantively to the process or offer an important perspective, and it cannot be so big as to make it unwieldy and difficult for the utility to coordinate.
- 6) The framework must include provisions requiring the working groups to conduct public workshops, public meetings, or webinars when a major milestone of a plan is developed, to secure public input/comments and community buy-in to the plan's milestone. The

framework should also include a provision requiring that the utility action plans or resource plans be made available to the public by posting the documents on the utility website.

7) The framework should provide general guidance on community education and outreach requirements to communicate the utility's resource plan(s) to the public to facilitate community buy-in and support, to help ensure the utility's success in implementing the plan.

8) The annual reporting and evaluation of the resource plan required by the framework should include a section on the evaluation and reporting of the working groups' activities during the year.

b) Please see DBEDT's response to item a) above.

c) Please see DBEDT's response to item a) above. DBEDT's proposal relating to the formation of working groups will most likely foster and facilitate collaboration between the utilities and the non-utility participants in the planning process.

HECO/DBEDT-IR-4

Ref: Public Benefits Fee Administrator Role, Item 2

On page 20, DBEDT proposes that "within the new resource planning framework a clear delineation of what programs should be managed, administered, developed, and implemented by the public benefits fee administrator and which programs should remain under the utilities' control, as well as which programs the two entities (i.e., PBF administrator and the utilities) may jointly implement and administer in a collaborative fashion." Please clarify whether this delineation is to be determined and made part of the CESP Framework or within the process of conducting the CESP planning cycle.

DBEDT Response:

DBEDT's proposal is that the framework include a provision that delineates the programs that have been identified and determined to be under the PBF Administrator's responsibility as per its contract with the Commission (i.e., energy efficiency and/or DSM programs), and the programs that have been approved by the Commission to remain under the control of the utility (i.e., load control programs). The delineation of other existing and/or future programs as to who will manage, administer, and implement is determined by the Commission. DBEDT's proposal relating to the delineation of the programs is to ensure that the framework includes a provision that clarifies the parties' roles and responsibilities. DBEDT's proposal is not intended to have the CESP framework or the CESP planning process replace the Commission's regulatory authority for approving programs, including program management and implementation.

HECO/DBEDT-IR-5

Ref NRRI Comments - III. Who Are the Appropriate Participants in a CESP Process

On page 10, NRRI envisions many participants in the CESP process and states "With this diversity of participants, a neutral facilitator seems necessary." If the HECO Companies were to propose in the CESP Framework that the CESP process would have a neutral facilitator (similar to the role of an Independent Observer under the Framework for Competitive Bidding) leading all Advisory Committee meetings, public hearings, and observing the utilities' technical analyses, would that be an acceptable means for addressing the concerns over public participation and transparency in the CESP process?

DBEDT Response:

DBEDT has no comment or position at this time on NRRI's statement for the seeming necessity of having a "neutral facilitator". DBEDT is uncertain that hiring a "neutral facilitator" is the solution to addressing the concerns about ensuring effective public participation and transparency in the CESP process, lacking information on what the role of a "neutral facilitator" will be, such as what will be facilitated and how, as well as how the facilitator will be hired and by whom. Please see DBEDT's Response to HECO/DBEDT-IR-3.

DBEDT'S RESPONSES TO THE CA'S INFORMATION REQUESTS

CA/DBEDT-IR-1 Ref: Planning Process.

- a. As a signatory to the Energy Agreement, please provide DBEDT's envisioned definition, understanding and description of what would comprise a "scenario."
- b. Please provide DBEDT's vision as to how the scenarios would be used to develop the action plan.

DBEDT RESPONSE:

- a. A "scenario", as DBEDT envisions and understands it, is a major probable future circumstance or set of circumstances outside the control of a utility, such as significant changes in the energy market, major technical developments, and/or significant changes in energy-related statutes and state policies and/or mandates which could have significant impact on the utility's decision-making process in its resource planning for meeting future electricity demand.
- b. The following is DBEDT's preliminary vision as to how the scenarios will be used in developing an action plan.

First, DBEDT envisions that the final product or result of the CESP process is a utility resource plan (or "Action Plan" as referred to by the utilities) designed to meet future energy needs that are consistent with the goals and objectives established by the CESP framework, taking into

consideration the outcome of a range of probable distinct futures or scenarios. For each probable future outlook or scenario, a set of forecasts and/or assumptions will be formulated (i.e., forecasts and/or assumptions on energy demand, prices, and resource availability, feasibility, and impact, delivery infrastructure needs, etc.), to determine the set of projects, programs, resources, and policies to meet the future energy needs under the given scenario. DBEDT envisions that the "Action Plan" will be a compilation of the actionable outcomes (i.e., programs, projects, resources, policies) or strategies from the various plausible distinct futures (or Scenarios) to meet the future energy needs consistent with the planning objectives and guiding principles. DBEDT has no position to offer at this time as to how to determine what actionable outcomes or strategies (i.e., projects, projects, resources, policies) from the various scenarios will be included or excluded from the resulting Action Plan. DBEDT however believes that the CESP Framework should provide some decision-making criteria or guiding principles for determining what strategies and outcomes from the various scenarios will be included in the action plan.

CA/DBEDT-IR-2 Ref: Planning Process.

- a. One assumed benefit of CESP, as compared to the IRP process was the flexibility that might be possible, whereas IRP was generally viewed as somewhat prescriptive. In its preliminary statement of position, DBEDT contends that the framework should include provisions on requirements for utility compliance with the framework. Please confirm that DBEDT does not intend that strict compliance with an action plan should be enforced.
 1. If DBEDT is advocating strict compliance with an action plan, please discuss whether this position is inconsistent with one of the potential benefits with CESP.
 2. If DBEDT does intend to indicate that compliance with the framework to be developed should be required (as compared to the action plan), please discuss whether there were concerns with deviations from the IRP framework. If so, please describe the basis for those concerns.
- b. If, during the period in which an action plan was supposed to be effective, new information or a new development occurs (e.g., the price of a particular renewable energy technology significantly increases or decreases from the initially used range of values in a scenario(s)), please discuss whether DBEDT agrees that the utility company should develop an additional scenario or scenarios between formal action plans in order to incorporate any such new development(s).

DBEDT RESPONSE:

- a. DBEDT is uncertain as to what the CA means by "strict compliance" with an action plan. Please see DBEDT's Response to HECO/DBEDT-IR-1.
 1. Please see DBEDT response to a. above. Regardless of what the CA means by "strict compliance", the inclusion of a provision for a requirement for utility compliance with the framework is not necessarily

inconsistent with the potential flexibility benefits of CESP envisioned by the CA.

2. Please see DBEDT's response to HECO/DBEDT-IR-1. DBEDT is not aware of any deviations from the IRP Framework implied by the CA's information request.
- b. The determination of whether or not to develop additional scenario or scenarios between formal action plans to incorporate new developments in the example used in the information request, is dependent on the provisions and requirements of the CESP Framework. It is also dependent on the range of variation from the values used in the scenarios, as well as the magnitude or strength of the impact that the variable may have on the action plan.

CA/DBEDT-1R-3 Ref: Planning Process.

- a. Based on the assumption that there would be a possible range of scenarios that would support the development of an action plan, please provide a discussion of how DBEDT envisions how the Companies should cull or select the various inputs or analyses from the various scenarios to develop a single action plan.
 1. Please confirm that it is not DBEDT's contention that the action plan would basically adopt all elements and relationships within a single scenario, which would be generally similar to how the action plan was developed under the IRP process.
- b. DBEDT has recommended that a cost-benefit analysis must be conducted for each scenario. DBEDT's recommendation is that the cost-benefit analysis should not be done on a facility by facility basis, which would not represent a comprehensive and integrated assessment.
 1. Based on the assumption that scenarios will be developed on a high level basis and that certain elements would be selected from various scenarios, please discuss what value might be gained from cost-benefit analyses on each scenario.
 2. Assuming that the action plan will represent a compilation of various supply-side and demand-side resources from different scenarios, please discuss whether cost benefit analyses on a facility or resource basis might hold some value in justifying the inclusion or exclusion from the action plan.

DBEDT RESPONSE:

- a. DBEDT believes that the information request is more appropriately addressed to the utility. DBEDT has not made an assumption that "there would be a range of scenarios that would support the development of an action plan." An action plan can be based on the most probable scenario of the future, if one is identified.

1. First of all, DBEDT is uncertain what the CA means by adopting "all elements and relationships within a single scenario." Secondly, an "action plan" as used or envisioned in this docket was not developed under the IRP process. Thirdly, DBEDT has not expressed any contention as to what "elements and relationships" would be adopted in an action plan. DBEDT however believes that the CESP Framework should provide decision criteria and guiding principles for determining what "elements" from a scenario or range of scenarios will be included or excluded in an action plan.

b.1. DBEDT is uncertain as to what the CA means by "scenarios will be developed on a high level basis." One major basis and value gained by DBEDT's proposal to require a cost-benefit analysis of each scenario is that it will provide data and analysis supporting the reasonableness of the scenarios upon which the resulting proposed action plan is built. If the resulting proposed action plan is a compilation of certain programs and resources from different scenarios, DBEDT believes that it is prudent and necessary that such scenarios should be supported by a cost-benefit analysis which would provide detailed information and the assumptions used for the various

programs or "elements" in the scenario that could be included in the action plan. Such cost-benefit analysis is envisioned by DBEDT to provide the impact of the scenarios on the ratepayers, the economy, the environment, and the state's energy goals, and will be useful in developing the cost-benefit analysis of the resulting action plan.

b.2. DBEDT supports the development, incorporation, and provision of any detailed analysis to support an action plan including cost-benefit analysis of individual resources included or excluded from the action plan, in addition to the overall cost-benefit analysis of the entire action plan.

DBEDT'S RESPONSES TO THE COUNTIES' INFORMATION REQUESTS

COUNTIES-DBEDT-IR-1: REF: DBEDT PSOP Page 13 No. 9

What kinds of "provisions" should be included in Section III.E of the IRP Framework to encourage and accommodate "actual" public participation and public input? How would DBEDT propose structuring the public input and public participation process to not limit public participation to merely an "advisory role?"

DBEDT RESPONSE:

Please see DBEDT's Response to HECO/DBEDT-IR-3.

DBEDT'S RESPONSES TO LOL'S INFORMATION REQUESTS

LOL-IR-4

Ref: The objectives of CESP include but are not limited to
...the need for new transmission lines pgs 5-6

What transmission lines does DBEDT envision are needed in the short term?

DBEDT Response:

Any transmission lines that may be identified in the utility resource planning process required in meeting Hawaii's future energy needs.

LOL-IR-5

Ref: Since the establishment of the IRP Framework by the Commission in 1992, there have been significant changes in Hawaii's energy landscape that warrant modifying the IRP Framework, including but not limited to the following pgs 6-7.

These developments in Hawaii's energy environment require the establishment of a new planning paradigm that aligns the utilities' resource planning with Hawaii's new energy future, pg 10.

DBEDT lists 11 Items between pages 6 and 10 that have all occurred under the IRP Framework. What are the items that would not work under IRP and thus require a CESP?

DBEDT RESPONSE:

The eleven items identified in pages 6-10 of DBEDT's PSOP are events or changes in Hawaii's energy landscape which occurred after the establishment and adoption of the current IRP Framework in 1992, which DBEDT believes warrant modifying the IRP Framework. For instance, item 1 relating to the transfer of the management, design, development, and implementation of DSM programs from the utilities to the PBF Administrator in 2009, is a major change that requires some changes to the current IRP Framework such as proposed by DBEDT in items 11 and 12 on page 14 of DBEDT's PSOP. The IRP Framework provision relating to the utility cost recovery for DSM costs is no longer applicable as management, development, and implementation of these programs have been transferred to the PBF Administrator.

The goal of resource planning as provided in the IRP Framework is limited to identification of resources or mix of resources for meeting future consumer energy needs at the lowest

reasonable cost. Such goal does not consider or address several of the policy and statutory changes identified by DBEDT relating to the state's goal of clean energy and energy independence which now impact the utility resource planning, such as but not limited to the RPS, EEPS, the reduction in greenhouse gas emissions, and the institution of HCEI.

As DBEDT indicated in its PSOP, despite the many important developments in Hawaii's energy environment, some sections and/or provisions of the 1992 IRP Framework still apply today and should be adopted in the new planning framework that the Commission may establish and approve in this docket. (DBEDT's PSOP, pages 16-17.)

DBEDT'S RESPONSES TO THE MARIOTTS' INFORMATION REQUEST

MAR-1R-001:

Please provide a complete copy of all of your responses to all information requests filed by any party or participant in these proceedings. This request applies to information requests that have already been filed and to information requests that are filed in the future.

DBEDT RESPONSE:

A copy of the DBEDT's responses to all information requests will be provided to the Mariotts via electronic copy to Mr. Thomas Gorak, legal counsel to the Mariotts.

DBEDT'S RESPONSES TO HREA'S INFORMATION REQUESTS

HREA-IR-1. In its Preliminary Statement of Position ("PSOP"), HREA proposed a set of governing principles that were broken down into the three following categories: overall, resource selection and acquisition, and IRP Process.

- Overall IRP Goals are to:
 - Meet forecasted electrical energy demand (MW, MWHs) via demand- and supply-side resources over the IRP period.
 - Identify and meet state energy objectives, and comport with state and county environmental, health, and safety laws by formally adopting state and county plans.
 - Maintain and enhance electrical system reliability, safety and security to facilitate state energy objectives and policies.
- Resource Acquisition and Operation to:
 - Establish and maintain a "no regrets policy" for resource acquisition, e.g., energy efficiency, conservation, renewables and storage.
 - Phase out conventional fossil facilities.
 - Establish and maintain preferred acquisition methods, e.g., net metering, feed-in tariffs, competitive bidding and non-bid contracts.
 - Prioritize implementation of distribution generation over central generation.
 - Design, modify, and operate the utility system to maximize the use of clean energy resources.
 - Mitigate power outages after catastrophic events.
- IRP Process will include:
 - Ongoing, open, transparent, efficient and nimble.
 - Clear definition of roles, responsibilities and legal standing of all IRP participants.
 - A basic plan for a period of 20 years with an action plan of five or more years, annual reviews and flexible periods for major revisions every three to five years.
 - One plan for each island utility and an overall plan for the island chain.
 - Incorporation of appropriate analytical methodologies, such as discounted lifecycle analysis and clean energy scenario planning.
 - Consideration of the plans' impacts upon the utility's consumers, the environment, local

- culture, community lifestyles, the State's economy, and society in general.
- o All Parties' recovery of a portion up to all costs of their participation in IRP.

That said, do the Parties support the governing principles as proposed above? Given that HREA is seeking to establish the level of support for each of the principles, please respond with detail as to:

1. Those principles that can be supported (with or without comments), and
2. Those principles that cannot be supported (with comments).

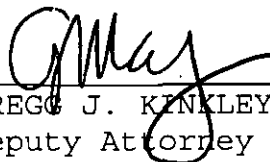
Finally, the Parties are asked to suggest additional principles, as appropriate, with supporting comments.

DBEDT Response:

DBEDT finds HREA's proposed list of principles generally acceptable and worthy of consideration in the development of a CESP Framework. However, absent more detailed information and discussion of these principles at this time, DBEDT is unable to provide its support or no support opinion on each of the principles in its response to this IR. DBEDT looks forward to working collaboratively and creatively with HREA and all the other Parties in the docket in developing a CESP Framework that will guide and govern the utility's resource planning that will

help achieve the State's goals of energy independence and security.

DATED: Honolulu, Hawaii, November 25, 2009.



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Certificate of Service

I hereby certify that I have served a copy of the Department of Business, Economic Development, and Tourism's Responses to the Parties' Information Requests in PUC Docket Number 2009-0108, by electronic transmission on the date of signature to each of the parties listed below.

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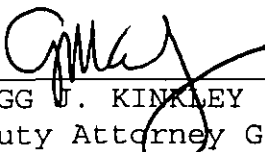
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